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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,596	11/21/2001	Nagendra Nagarajayya	SUN-P6305	7581

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EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2194

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/991,596

Applicant(s)

NAGARAJAYYA ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-21 are presented for the examination.

#### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1- 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending application serial no: 09/991,598. Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems comprise substantially the same elements. The differences between claims 1, 7, 13, 21 of the application and this case are a semaphore. However, it would have been obvious to one of the ordinary skill in the art to include semaphore because they are well known in the art to be more efficiency in term of using semaphore.

#### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is not clearly understood:

i. As to claims 1, 7, 13, 21, it is not clearly indicated how the step of intercepting and redirecting a call are performed. Why the call has to be redirected. What is the relationship between the call and a corresponding symbol in the second library? The step of intercepting and redirecting should be clearly described.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 6 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3. Claim 1 is directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, providing, adjusting and computing, can be practiced mentally in conjunctions with pen and paper. The claimed

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steps do not define a machine or computer implemented process (see MPEP 21061.

Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dukack et al (US. Patent 6,609,159 b1) in view of Woodring et al (US. Patent 6,519,686 B2).

7. As to claim 1, Dukack teaches the invention substantially as claimed including: data (information, col 3, ln 35-42), data between processes in a computer-based system (col 6, ln 35-40/ col 8, ln 37-42), one or more symbols (OS function 144, col 8, ln 55-62), the first library (the library of the OS 134, col 8, ln 52-55), process calling for one or more symbols in a first library (col 8, ln 58-62), associating each process with a second library (col 8, ln 36-37), a second library (the interposed library , col 8, ln 36-37/ ln 60-65), one or more symbols of the second library( the interposed library function, col 8, ln 52-65), a door interprocess communication ( file descriptor , col 3, ln 62-64/ col 10, ln 33-34/ ln 53-55), said door interprocess mechanism enabling each process to communication(col 15, ln 1-6/ col 16, ln 15-21), interprocess

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communication mechanism( interprocess communication links, col 8, ln 40-46), intercepting a call from each process for a symbol in said first library( col 8, ln 58-65/ col 9, ln 24-30), redirecting said call to a corresponding symbol in said second library( col 8, ln 63-65).

8. Dukack does not explicit teach a synchronization signal, a mapped memory. However, Woodring teaches a synchronization signal, a mapped memory , semaphore (the synchronization, management, and processing of the information stream, col 6, ln 20-22/ memory mapped file, col 7, ln 30-31/ map the buffer pointer to the buffer into their address space, col 7, ln 13-16/ semaphore ( FBSEM) mechanism 316, col 6, ln 24-28).

9. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Dukack and Woodring because Woodring's a synchronization signal, a mapped memory, semaphore would improve the efficiency of Dukack's system by providing an efficient information streaming of multimedia information in a multi-process software environment.

10. **As to claim 2**, Dukack teaches one or more symbols associated with a socket interprocess communication mechanism (col 9, ln 24-30).

11. **As to claim 3**, Dukack teaches dynamically linking each process with said second library (col 8, ln 52-54).

12. **As to claim 4**, Dukack teaches second library comprises one or more server side symbols and one or more client side symbols (col 8, ln 55-58).

13. **As to claim 5**, Dukack teaches server side symbols further comprise: a bind symbol, an accept symbol, a write symbol, and a close symbol (col 8, ln 55-58/FIG. 10).

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14. As to claim 6, Dukack teaches client-side symbols further comprise: a connect symbol, a read symbol, a write symbol, a close symbol, and a thread-create symbol (col 8, ln 60-65/ col 24, ln 12-25/ Fig. 10).

15. As to claims 7-12, they are apparatus claims of claims 1-6; therefore, they are rejected for the same reasons as claims 1-6 above.

16. As to claim 13, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In addition, Dukack teaches a plurality of processes (communication loads between multiple back end and server processes, col 3, ln 50-53), an interposer (col 3, ln 42-46).

17. As to claims 14, 15, they are apparatus claims of claims 2, 3; therefore, they are rejected for the same reasons as claims 2, 3 above.

18. As to claim 16, Woodring teaches the synchronization signal (col 6, ln 20-22).

19. As to claim 17, Woodring teaches a mapping memory (col 7, ln 29-32).

20. As to claims 18-21, they are apparatus claims of claims 1, 4-6; therefore, they are rejected for the same reasons as claims 1, 4-6 above.

21. *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 7, 2005

  
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